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UNCLAS SECTION 01 OF 03 BOGOTA 002692

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GENEVA PLEASE PASS TO JOHN CHAMBERLIN
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E.O. 12958: N/A

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SUBJECT: GOC ANNOUNCES CAMPAIGN TO HIGHLIGHT LABOR RIGHTS
ADVANCES AND POLITICAL WILL

REF: A. 03 BOGOTA 6597

[B](#). 03 BOGOTA 6596
[C](#). 03 GENEVA 1969

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Summary

[1](#)1. (U) To address the international community's concerns about human rights violations against trade union members, Vice-President Santos briefed ambassadors of member states of the ILO's Governing Body on GOC advances in promoting workers' human rights and tripartite dialogue. In addition to citing numerous dialogue and training initiatives, Santos highlighted progress in judicial proceedings related to human rights violations against trade unionists and cited government statistics indicating a decline in levels of violence against them. Diplomats present asked the GOC to do more to publicize its efforts in this field. End Summary.

VP Briefs Ambassadors on Labor Rights

[1](#)2. (U) In advance of this month's scheduled review of the International Labor Organization's (ILO) Special Technical Cooperation Program with Colombia, Vice President Francisco Santos briefed representatives of ILO Governing Body (GB) members on March 8. Also in attendance were Foreign Minister Carolina Barco; Minister of Social Protection Diego Palacio; Ministry of Social Protection (MSP) Vice Minister for Labor Relations Luz Stella Arango; Gabriel Mesa, Director of the MSP's Office of International Cooperation; and Ana Maria Sanchez, Director of the MSP's Office of Human Rights.

Context

[1](#)3. (U) In June 2003 the GB rejected a proposal by the ILO's Committee on Freedom of Association (CFA) to appoint a Fact Finding and Conciliation Commission for Colombia to address the many murders and other human rights violations against trade union leaders and members that remain unresolved (ref C). The GB did, however, urge the GOC to more effectively address cases of violence against union members and take appropriate steps to foster an environment in which unions can operate without fear of intimidation or reprisal. In an effort to demonstrate its political will to address these issues and to highlight advances made under the Special Technical Cooperation Program, GOC officials announced the launch of an informal campaign to raise awareness of GOC advances in promoting and protecting the human rights of Colombian union leaders, members, and workers in general.

GOC Addressing ILO's Concerns

[1](#)4. (U) The GOC presented a report charting progress to date on the 357 sub-cases contained within CFA Case Number 1787. Each of these sub-cases represents a case in which the GOC has allegedly failed to take sufficient action to investigate and/or prosecute a murder, kidnapping, or series of threats against a trade union member. According to the MSP, the GOC has formally responded with a status report in 345 of the 357 sub-cases, even though only 196 of the sub-cases actually involved union members or leaders. According to the MSP, the majority of sub-cases are still in the investigative stage and have not been brought to trial, largely because of complex legal procedures, an overburdened judicial system, and the fact that witnesses and others with information are reluctant to work with prosecutors out of fear for their own safety. The report notes, however, that few cases have been formally dismissed.

Advances Under Technical Cooperation Program

15. (U) In conjunction with the Technical Cooperation Program, the GOC has worked to strengthen tripartite dialogue through a series of seminars, training programs, and social dialogue boards involving GOC authorities, labor organizations, and employers. Since its reinstatement in January 2003, the Inter-Institutional Commission for the Promotion and Protection of Human Rights has conducted over 40 tripartite activities designed to strengthen communication and cooperation, including a series of dialogues chaired by Santos and other high-ranking GOC officials. The Commission has also worked closely with the Ministry of Interior and Justice (MOI/J) to increase resources and decentralize the GOC's protection program, which provided protection to 5,221 at-risk union members, politicians, journalists, political figures, and human rights workers in 2003. The Commission has also provided training to protection program administrators, local police, and judicial authorities in order to shift the focus of the program from merely reacting to human rights violations toward taking concrete steps to prevent them.

16. (U) The MSP, in cooperation with the Office of the Prosecutor General (Fiscalia), has conducted seminars on international labor law for prosecutors and judges, instructing them on the fundamentals of international labor law and the scope of activities protected under international humanitarian law. These programs have also urged prosecutors to speed up investigations of human rights violations of trade unionists. The MSP has also conducted training programs for labor inspectors and regional employees of the Ministry.

Statistics Confirm Improvement

17. (U) Santos cited MSP statistics asserting that murders of trade unionists dropped from 120 in 2002 to 51 in 2003, a decline of 58 percent. Santos credited the decline to improvements in the GOC's protection program and a change in paramilitary strategy related to ongoing demobilization negotiations with the Government. (Note: The percentage decline in murders of trade unionists cited by the MSP is slightly higher than the 51 percent decline reported by the National Labor College ("Escuela Nacional Sindical," or ENS), a respected labor rights NGO that reported that 90 trade unionists were murdered in 2003, compared with 184 in 2002. Although MSP's statisticians agree that more trade unionists were murdered than the numbers they cite, they explain that they only cite cases in which union leaders or members are killed because of their trade union activities. MSP did not include, for example, cases in which unions members died as a result of land disputes, crimes of passion, automobile accidents, and the transport of explosive materials. End note.)

Santos: Information Campaign Long Overdue

18. (SBU) In response to questioning, Santos confirmed that the GOC has not done a good job of "selling its successes." He asserted that European NGOs and parliamentarians only hear one side of the story from a small number of left-leaning NGOs and unions whose "destructive syndicalism" (as opposed to "constructive syndicalism," in which unions, employers, and the government work together) is bent on damaging the credibility of the GOC. Santos asked those present to support GOC efforts to portray the "full picture."

GOC Looking Forward, Focusing on Europe and Geneva

19. (U) FM Barco announced her plans to travel to Europe in the near future to meet with a key group of Colombian ambassadors to develop a strategy to communicate the GOC's advances in protecting and promoting workers' human rights. This strategy will focus on changing perceptions of Colombia's labor environment among key NGOs, parliamentarians, opinion leaders, and foreign unions. In order to highlight a "new sense of cooperation" between labor unions and the GOC, MSP is working with Colombia's three major labor federations -- the United Workers Central (CUT), the General Federation of Democratic Workers (CGTD) and the Confederation of Colombian Workers (CTC) -- on a proposal to deliver a joint report to the ILO's Freedom of Association Committee in June. The report would attempt to present a consensus perspective on the labor environment, but would acknowledge points of disagreement as well.

Reaction: GOC Can Do More

110. (SBU) Although generally supportive of the GOC's plan, many attendees noted that improved statistics and a status report alone would not be enough to satisfy the concerns of the international community. Noting that the majority of union members are detained for reasons other than trade union activities, the UK Ambassador asked the GOC to provide regular, public updates on high-profile detentions to explain what motivated them. Santos stated that the majority of detainees are charged with rebellion and that arrest warrants have been issued prior to all detentions. The attendees agreed that similar updates on GOC responses to alleged human rights violations committed against trade unionists and other at-risk groups would be useful. The German CDA observed that the fact that only four percent of the Colombian labor force is unionized will limit the scope of what the GOC can accomplish through traditional tripartite mechanisms.

Comment

111. (U) The GOC's democratic security policy and GOC/paramilitary demobilization negotiations have led to a significant reduction in violence, including against trade union members. Vice-President Santos and the MSP's commitment to improving the GOC's relationship with Colombia's trade unions is evident in their efforts to advance legal cases related to violence against trade union leaders, improve tripartite dialogue, and protect and promote trade union members' human rights.
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